

ORDINANCE NO. 96- 69

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS, PALM BEACH COUNTY, FLORIDA, AMENDING PALM BEACH COUNTY CODE SECTION 13-1 KNOWN AS THE PALM BEACH COUNTY MEDICAL EXAMINER ORDINANCE; PROVIDING FOR THE APPOINTMENT OF A MEDICAL EXAMINER AND ASSOCIATE MEDICAL EXAMINERS; PROVIDING FOR FEES, COMPENSATION, AND EXPENSES; PROVIDING FOR REMOVAL AND SUSPENSION; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Palm Beach County Code Section 13-1 found and declared that the local appointment of a medical examiner is in the best interest of the citizens of Palm Beach County; and

WHEREAS, changes have occurred within the Medical Examiner's Office since the enactment of Palm Beach County Code Section 13-1 which require amending the Code; and

WHEREAS, the amendments to Palm Beach County Code Section 13-1 are in the best interests of the citizens of Palm Beach County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1.

Subsection (d) of Palm Beach County Code Section 13-1 is hereby amended to read:

(1) The board of county commissioners shall appoint a medical examiner who shall serve as the District 15 Medical Examiner. In making its appointment, the county may seek the assistance of the state medical examiner's commission. The board of county commissioners shall establish the term of appointment office of the medical examiner, ~~shall be three (3) years. An appointment to fill a vacancy shall be for the unexpired portion of the term.~~

(2) The medical examiner shall be a practicing physician in pathology, licensed or license eligible in the state.

(3) The medical examiner may appoint such associate medical examiners as are reasonably necessary to fulfill the duties set forth herein. The county may permit the medical examiner to ~~The medical examiner shall employ, contract or~~

1 agree independently with each associate medical examiner, and
2 shall be responsible for their remuneration (including all
3 taxes, benefits and withholding). ~~However, the~~ The county may
4 ~~shall not opt to employ, contract or agree independently to~~
5 compensate, or confer benefits on any associate medical
6 examiner, except as may hereafter be provided. All associate
7 medical examiners shall serve at the pleasure of the medical
8 examiner.

9 (4) The medical examiner and his/her associate medical
10 examiners may engage in the private practice of medicine or
11 surgery, if licensed pursuant to chapter 458 or chapter 459,
12 Florida Statutes, provided such private practice does not
13 interfere with their duties as prescribed herein.

14 (5) The medical examiner and all associate medical
15 examiners are public officers for purposes of Part III of
16 chapter 112, Florida Statutes, and the standards of conduct
17 prescribed therein.

18 ~~(6) The medical examiner, associate medical examiners,~~
19 ~~and their agents, servants and employees (if any), shall not~~
20 ~~be agents, servants or employees of the county, and shall not~~
21 ~~be entitled to any benefits granted employees of the county.~~

22 ~~(6)(7)~~ The county shall not be deemed to assume any
23 liability for the acts, omissions or negligence of the medical
24 examiner, associate medical examiners, and their agents,
25 servants and employees (if any).

26 ~~(7)(8)~~ The director of the department of public safety
27 or his/her designee shall act as an administrative liaison to
28 the medical examiner. The liaison shall ensure that the
29 medical examiner is provided all reasonable supplies, support
30 staff, and equipment necessary for the performance of the
31 duties of the medical examiner, and shall provide assistance
32 to the medical examiner in the preparation of the annual
33 budget for the medical examiner. The liaison shall be
34 prohibited from interfering with the performance of the duties
35 of the medical examiner as set forth in this section.

1 Section 2.

2 Subsection (e)(4) of Palm Beach County Code Section 13-1
3 is hereby amended to read:

4 (4) The medical examiner shall testify in court, give
5 depositions and appear before the grand jury when requested.
6 The medical examiner ~~may shall~~ receive compensation for such
7 activities as provided by law and authorized by the board of
8 county commissioners.

9 Section 3.

10 Subsection (f)(1) of Palm Beach County Code Section 13-1
11 is hereby amended to read:

12 (1) The medical examiner shall receive such fees,
13 compensation and expenses as set forth by ~~contract approved by~~
14 the board of county commissioners.

15 Section 4.

16 Subsection (h)(1) of Palm Beach County Code Section 13-1
17 is hereby amended to read:

18 (1) The medical examiner may be removed or suspended by
19 the board of county commissioners ~~at a public hearing for~~
20 ~~cause,~~ upon at least ~~ten (10)~~ thirty (30) days written notice.
21 As set forth herein, cause grounds for removal or suspension
22 shall include, but not be limited to:

23 a. Malfeasance, misfeasance or nonfeasance;

24 b. Negligence in the handling of the duties and
25 responsibilities of the medical examiner;

26 c. A conviction, plea of guilty or *nolo contendere*
27 of a felony ~~relating to official duties or moral turpitude;~~
28 or

29 d. Removal or suspension through final agency
30 action of the medical examiner's commission, pursuant to
31 section 406.075(1), Florida Statutes, as the same now exists
32 and may hereafter be amended.

33 Section 5. REPEAL OF LAWS IN CONFLICT.

34 All local laws and ordinances in conflict with any
35 provision of this Ordinance are hereby repealed to the extent

1 of such conflict.

2 **Section 6. SEVERABILITY.**

3 If any section, subsection, paragraph, sentence, clause,
4 phrase, or word of this Ordinance is for any reason held by
5 the Court to be unconstitutional, inoperative or void, such
6 holding shall not affect the remainder of this Ordinance.

7 **Section 7. SAVINGS CLAUSE.**

8 Except as otherwise hereby expressly amended, all other
9 provisions of this Ordinance as originally enacted and amended
10 are specifically preserved and remain in full force and
11 effect.

12 **Section 8. INCLUSION IN THE CODE OF LAWS AND ORDINANCES.**

13 The provisions of this Ordinance shall become and be made
14 part of the code of laws and ordinances of Palm Beach County,
15 Florida. The Sections of the Ordinance may be renumbered or
16 relettered to accomplish such, and the word ordinance may be
17 changed to section, article, or any other appropriate word.

18 **Section 9. EFFECTIVE DATE.**

19 This Ordinance shall become effective upon filing with
20 the Department of State.

21 APPROVED and ADOPTED by the Board of County Commissioners
22 of Palm Beach County, Florida on this 17th day of
23 December, 1996.

24 PALM BEACH COUNTY, FLORIDA, BY
25 ITS BOARD OF COUNTY COMMISSIONERS

26 By: [Signature]
27 Chairman

28 APPROVED AS TO FORM AND
29 LEGAL SUFFICIENCY

30 By: [Signature]
31 Assistant County Attorney

32 DOROTHY H. WILKEN, CLERK
33 Board of County Commissioners
By: [Signature]
DEPUTY CLERK



32 EFFECTIVE DATE: Filed with the Department of State on the
33 20th day of December, 1996.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on 12/17/96
DATED at West Palm Beach, FL on 4/3/97
DOROTHY H. WILKEN, Clerk
By: [Signature] D.C.

**FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM
CODRS CODING FORM**

Instructions: Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County ordinances in Florida's 67 Counties. CODRS' data base is composed of over 25,000 county ordinances enacted since 1974.

We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code.

To code this form properly, please refer to the "keyfields" description sheet that has been given to your County Attorney's Office. If you do not have this sheet please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as is possible.

Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (904)-488-8427 or Suncom 278-8427.

COUNTY: (<u>Palm Beach</u>)	COUNTY ORDINANCE # (<u>96-69</u>) (e.g., 93 - 001)
PRIMARY KEYFIELD DESCRIPTOR: (_____)	
SECONDARY KEYFIELD DESCRIPTOR: (_____)	
OTHER KEYFIELD DESCRIPTOR: (<u>Public Safety</u>)	
ORDINANCE DESCRIPTION: (<u>Medical Examiner</u>) (25 characters maximum including spaces)	
ORDINANCES AMENDED: (List below the ordinances that are amended by the this legislation. If more than two, list the most recent two.)	
AMENDMENT # 1: (<u>93-7</u>); AMENDMENT # 2: (_____)	
ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)	
REPEAL # 1: (_____); REPEAL # 3: (_____);	
REPEAL # 2: (_____); REPEAL # 4: (_____);	
(Others repealed: list all that apply): <u>certain section of Ordinance 93-7 only</u>	

(FOR OFFICE USE ONLY):	COUNTY CODE NUMBER: (_____)
KEYFIELD 1 CODE: (_____)	KEYFIELD 2 CODE: (_____)
KEYFIELD 3 CODE: (_____)	Rev. 6/29/93

ORDINANCE
ENCLOSURE

County Library
Serials Dept. =

**ORDINANCE
ENCLOSED**